

# UNITED STATES DISTRICT COURT

for the

Middle District of Tennessee

United States of America  
v.

KENNETH DEWAYNE JOHNSON

*Defendant(s)*

Case No. 24-mj-1128

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 16, 2024, in the county of Davidson in the  
Middle District of Tennessee, the defendant(s) violated:

*Code Section*

*Offense Description*

Title 18, United States Code,  
Sections 922(g)(1) and 924

Felon in Possession of Ammunition

This criminal complaint is based on these facts:

See Attached affidavit

☒ Continued on the attached sheet.

/s/ Joseph Heino

*Complainant's signature*

Special Agent Joseph Heino, ATF

*Printed name and title*

Sworn to me remotely by telephone, in compliance with  
Fed. R. Crim. P. 4.1.

Date: MAY 22, 2024

City and state: Nashville, Tennessee

  
*Judge's signature*



U.S. Magistrate Judge Barbara D. Holmes

*Printed name and title*

## **STATEMENT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Joseph Heino, being first duly sworn on oath, state as follows:

1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so employed since September 2023. I am currently assigned to the Nashville Field Division. Prior to being employed by the ATF, I was employed by the Escambia County Sheriff's Office, Florida, beginning in 2018. While with Escambia County Sheriff's Office, I worked in uniformed patrol for approximately three years. After my assignment in uniformed patrol, I worked as an investigator for approximately two years in the Escambia County Sheriff's Office Gun Crimes Unit.

2. In my law enforcement career, I have participated in numerous criminal investigations, including those that fall under the investigative jurisdiction of ATF, including, but not limited to, violations involving the unlawful manufacture, sale, and possession of firearms and controlled substances.

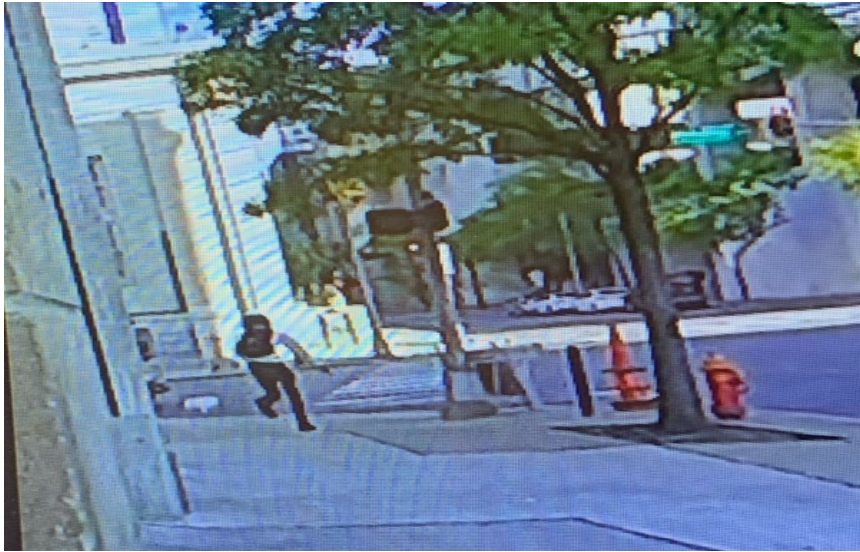
3. The following information contained in this Affidavit is based on my training and experience, as well as information provided to me by other law enforcement officials, and my review of investigative documents and other materials. I have not included all of the facts of the investigation and have only included the facts that are necessary to establish probable cause for the requested Criminal Complaint and arrest warrant. Any conversations contained herein are not verbatim and are only related in substance and part, except where a conversation includes quotations.

4. This Affidavit is submitted in support of a Criminal Complaint for the arrest of Kenneth Dewayne JOHNSON for being a Felon in Possession of Ammunition, in violation of Title 18, United States Code Sections 922(g)(1) and 924.

**PROBABLE CAUSE**

5. On May 16, 2024, the Metropolitan Nashville Police Department (MNPd) responded to the WEGO Bus Station located at 400 MLK Jr. Boulevard, Nashville, Tennessee, in reference to a shooting victim. Upon arrival, MNPd officers found a male who appeared to have multiple gunshot wounds. MNPd officers identified the male as D.M. MNPd officers rendered medical aid to D.M. until Nashville Fire Department personnel arrived on scene and transported him to Vanderbilt University Medical Center for further treatment.

6. An MNPd uniformed patrol officer was in the area when the shooting occurred. Shortly after hearing the gunshots, the MNPd officer observed a black male with dreadlocks running away from the area. The MNPd officer observed the black male wearing a white long sleeve shirt, black pants, and wearing a black backpack on his back. The MNPd officer observed the black male holding a pistol in his hand as he was running away from the scene.



(MNPD Body Camera Video)

7. The MNPD officer ran after the black male with the pistol. The MNPD officer observed the black male throw the pistol onto the ground as he continued to run. A short distance later the black male dropped his backpack and laid down on the ground. The MNPD officer handcuffed the black male and detained him. The black male was identified as Kenneth Dewayne JOHNSON.



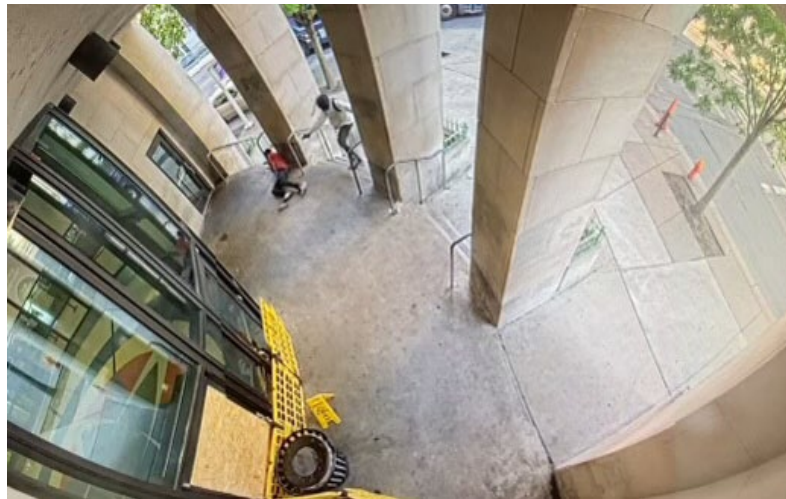
(MNPD Body Camera Video)

8. MNPD officers conducted a search incident to arrest of JOHNSON. JOHNSON was in possession of approximately twenty-two grams of cocaine in a plastic baggie, approximately three grams of cocaine in a dollar bill, and approximately thirty-three grams of marijuana. MNPD officers recovered the pistol which was a Polymer P80 with no visible serial number. MNPD officers located five R-P 9x19 mm rounds inside the pistol. MNPD officers located a black high-capacity drum magazine inside the black backpack the officer saw JOHNSON wearing. Inside the black drum magazine were forty-nine PMC 9x19mm rounds, and one CBC 9x19mm round.

9. MNPD Detectives assigned to the Non-Lethal Shooting (NLS) unit responded to Vanderbilt University Medical Center to conduct an interview of D.M. D.M. stated he was at the WEGO Bus Station with a group of his friends. D.M. stated he observed JOHNSON fire at him with a firearm. D.M. stated he was struck multiple times by gunfire.

10. NLS Detectives viewed video surveillance from the WEGO Bus Station that

captured the shooting incident. The surveillance showed JOHNSON wearing a white long sleeve shirt, and a black backpack. The surveillance showed D.M. with a group of individuals. A verbal argument appeared to start between D.M. and JOHNSON. JOHNSON pulled out a firearm and shot at D.M. D.M. ran and pulled out a firearm and shot back at JOHNSON. D.M. fell to the ground at which point JOHNSON ran up to him and shot him at point-blank range while D.M. was lying on the ground. Afterwards JOHNSON ran away from the WEGO Bus Station with the firearm in his hand.



(WEGO Surveillance Video)

11. In a post-*Miranda* interview, JOHNSON told Detectives he fired in self-defense.
12. JOHNSON has multiple felony convictions, including the following:
  - a. On or about November 17, 2011, JOHNSON was convicted in Davidson County Criminal Court, Case Number 2011-C-223, of Aggravated Assault on an Officer – Deadly Weapon and was sentenced to four years' imprisonment.

- b. On or about August 22, 2013, JOHNSON was convicted in Davidson County Criminal Court, Case Number 2013-A-22, of Robbery – Carjacking and was sentenced to eight years’ imprisonment.
- c. On or about February 10, 2014, JOHNSON was convicted in the United States District Court for the Middle District of Tennessee, Case Number 3:13-cr-00102, of Felon in Possession of a Firearm, in violation of Title 18, United States Code, Sections 922(g)(1) and 924, and was sentenced to 70 months’ imprisonment.

13. An ATF Firearms Nexus Expert examined photographs of the aforementioned ammunition and determined that it is ammunition under Title 18, United States Code, Section 921(a)(17)(a). The Firearms Nexus Expert also determined that the ammunition was not manufactured in the State of Tennessee, and therefore the ammunition had previously traveled in and affected interstate commerce.

14. Given the fact that JOHNSON was previously convicted in Davidson County court in 2011 of Aggravated Assault on an Officer with a Deadly Weapon and sentenced to a four-year sentence, in 2012 of Carjacking and sentenced to an eight-year prison sentence, and he was convicted in the United States District Court for the Middle District of Tennessee where he received 70 months to serve, I submit that there is probable cause to believe that JOHNSON knew of his status as a convicted felon prior to May 16, 2024.

15. All of these events occurred in the Middle District of Tennessee.

16. Based upon the foregoing facts, I submit that there is probable cause to believe that JOHNSON was a Felon in Possession of Ammunition, in violation of Title 18, United States Code Sections 922(g)(1) and 924, and I would request that a warrant be issued for his arrest.